

REMARKS

Upon entry of the present amendment, claims 1-14 will remain pending in the above-identified application with claims 1-3, 7-9 and 12-14 standing rejected, and claims 4-6, 10 and 11 standing objected to.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. In this respect, support for the amendments to each of claims 1 and 9 occur in the original filed application at page 5, lines 4-8.

Accordingly, entry of the present amendment is respectfully requested.

Claim Rejections Under 35 USC § 102/103

Claims 1-3, 7-8 and 13-14 have been rejected under 35 USC § 102(b) as being anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Frank et al. (US 4,303,567). Further, claims 1-3, 7-9 and 12-14 have been rejected under 35 USC § 103(a) as being unpatentable over Frank et al. (US '567) and Faler et al. (US 5,830,928). Reconsideration and withdrawal of each of these rejections are respectfully requested based upon the following considerations.

The Present Invention and Its Advantages

One of the advantageous features of the water-based resin composition of the present invention resides in that an oil-soluble initiator of which a temperature for one-minute half-life of from 90° to 270°C is contained in a polycondensation resin particle. When the water-based resin composition comprising the oil-soluble initiator is used for a molding compound composition, the water-based resin composition is adhered evenly on a molding substrate, and when such a molding compound composition is molded (heat-pressed), the oil-soluble initiator is decomposed in the fine particles of the polycondensation resin. Therefore, the homogeneous thermosetting reaction efficiently takes place in an entire molding compound composition, so that there can be exhibited an excellent effect that a molding product having a homogeneous strength is obtained. Incidentally, the water-based resin composition of the present invention does not use at all any material which generates formaldehyde, and the like, and it is also water-based, so that there arises no environmental problems.

Distinctions Over the Cited Art

Novelty of the Present Invention

In the present invention, the oil-soluble initiator is present in a particle of a polycondensation resin comprising a specific unsaturated polyester.

In the Office Action, the USPTO asserts regarding Frank et al. that "said oil-soluble initiators are inherently presented in said unsaturated polyester of emulsion since they are compatible and water and said oil-soluble initiators are incompatible." It is described at col. 5, lines 50 to 57 of Frank et al. that "[t]he dispersions may be prepared by stirring the water into the polyester...Both water-in-oil and also oil-in-water dispersions are formed."

In other words, it is described in Frank et al. that the oil-soluble initiators are merely present in an emulsion (or a dispersion) comprising an unsaturated polyester, and thus they would not be present in a particle of an unsaturated polyester (as instantly claimed).

Therefore, it is submitted that the present invention cannot be anticipated by Frank et al. since the disclosure of Frank et al. does not teach all of the elements and parameters of any one of the pending claims being rejected over Frank et al.

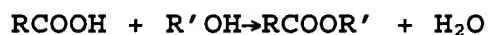
Non-obviousness of the Present Invention

The USPTO asserts in the Office Action that "[h]owever, such removal of an organic solvent from a polymerized unsaturated polyester is well known in the art as taught by Faler et al., col. 15, line 66 to col. 16, line 6."

However, the portion pointed out by the USPTO does not describe "removal of an organic solvent from a polymerized unsaturated polyester".

In Faler et al., col. 15, line 66 to col. 16, line 2, it is described that "Charge-1 was added to the round bottom flask and, with stirring, brought to and held at a temperature of 200°C until 654 milliliters of distillate was collected...", and the ingredients of "Charge-1" are shown in the Table appearing in col. 15 at lines 52-65.

As can be seen from the ingredients of "Charge-1" in the Table at the bottom of column 15, the organic solvent is not listed therein at all. Also, col. 15, line 66 to col. 16, line 2 of Faler et al. gives a general process for preparing a polyester, and the term "distillate" refers to water formed by the following reaction formula of esterification:



Therefore, it is submitted that Faler et al. merely describes "removal of water from a polymerized unsaturated polyester" in a

usual preparation of a polyester, and does not give any hint or teaching regarding the content asserted by the USPTO in the outstanding Office Action.

Accordingly, based upon the above considerations, it is clear that none of the cited art being applied by the USPTO either anticipates or renders obvious the present invention as claimed. Accordingly, because the cited art does not teach each of the aspects of the present invention or provide any teachings or motivation which would allow one of ordinary skill in the art to arrive at the present invention as claimed, it follows that each of the Examiner's outstanding rejections under 35 USC § 102 and/or 35 USC § 103 must now be withdrawn.

Claim Objections

Claims 4-6 and 10-11 have been objected to as being dependent upon a rejected base claim, but have also been indicated as being allowable if rewritten in independent form. Reconsideration and withdrawal of the objection to claims 4-6 and 10-11 is respectfully requested based upon the amendments and remarks presented herein above.

Further to the above, it is noted that each of the pending claims from which claims 4-6 and 10-11 depend are now in condition

for allowance, such that withdrawal of the prior outstanding objection thereto is now required.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-14 are now in condition for allowance.

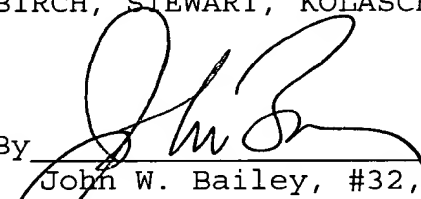
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/936,428

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 
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